

MINUTES DEDHAM BOARD OF HEALTH
MEETING
JULY 22, 2015

IN ATTNDANCE:

Dr. Sarah Rosenberg-Scott

Chairperson

Leanne Jasset B.S.P RPH

Vice Chair

Jason Brogan, MSM, Member

Catherine Cardinale, R.S. Health Director

Joan Conway, Admin. Assistant

Dr. Rosenberg-Scott called the meeting to order at 6:38 p.m. We have an open meeting law complaint from Margaret Whitfield to resolve this matter, Leanne Jasset made a motion:

That the Board acknowledges receipt of a complaint from Margaret Whitfield case raising questions as to the posting of the Board's notice for its June 17, 2015 meeting, specifically that it was not posted in a location accessible at all hours as required by law, and requesting that the Board hold another meeting for the purpose of allowing additional input from the public with regard to the Algonquin Pipeline Project, and moves to deny that it violated the law with respect to the posting where:

. The notice was posted timely in both locations required by law;

And further, that although not required by law, the Board of Health did provide the complainant with the requested relief by including a matter on its notice for the June 29, 2015 meeting to specifically address the complaint, and further to allow the public additional input on the Pipeline Project, for which notice was timely posted as required by the Open Meeting Law. And in addition, notice as provided to the public through a posting in a local newspaper.

And further that the Board will continue to strive to craft meeting notices with additional specificity with regard to form of items thereon;

And finally, that Chairman Dr. Sarah Rosenberg-Scott is authorized to provide a written response to the complaint to be forwarded to the complainant and Attorney General consistent with the vote taken hereunder.

Jason Brogan seconded the motion; Dr. Rosenberg-Scott asked all in favor aye opposed none motion passes.

Next we have open discussion; Dr. Scott asked if anyone was present for open discussion on a topic other than the pipeline. No one was present for open discussion.

25 Boat House Lane- Variance

Cathy stated that Ms. Mollie Moran is looking to build a 2 bedroom home. The regulations calls for the owner prove that the property can hold a conventional septic system which was done. However she wants to use the Busse System which is an alternative system which is approved by Department of

Environmental Protection (DEP). There are a couple of items that Ms. Moran will need to address on the deed and I will confirm with DEP but otherwise I have no issues with the Busse System being installed. If you have any questions Ms. Moran is here along with her engineer. Leanne asked Cathy what else needed to be done. Cathy said a deed restriction, a maintenance program must be submitted and I do have to check with DEP because the state only allows so many in the state. Otherwise I have no issues with it. Dr. Scott asked for a quick overview of the Busse System is. The engineer said basically we are building a net zero energy house, on the Charles River, up on stilts all passive solar and portable tank and as part of that we wanted to do something equally responsible with the septic. The pluses of this system are there is no processing in the ground. The actual tanks, there are 3 for this system are actually in the house like big washing machines. What comes out of the system is gray water that can either go in an irrigation system or a leaching field which we are going to do. It does not release anything into the land near the river which potentially could be harmful. A deed restriction document will be prepared and it will be recorded at the registry. We are within the aqua protection district so we cannot have any more than two bedrooms. Cathy explained that because it is an alternative system not a conventional system a variance is needed. With the deed restriction there will be a maintenance system that must be followed. If the property is sold it is all listed on the deed. Cathy explained that there is a boat house on the property currently which will be staying it has a septic system that will be removed. Conservation requires that everything be outside the 100 ft buffer/ riverfront area. Jason asked if there were any other systems like this in town Cathy said no. These systems are very popular in Maine along the shore. Leanne motioned that we approve the variance for Boat House Lane subsequent to the follow-up with DEP and the additional requirements for the deed restriction. Jason seconded the motion. Dr. Scott asked all in favor aye opposed none motioned passed.

Marijuana Regulations

I have done a draft of regulations based on the sample the state has supplied for your review. I have also pulled Framingham and Walpole's regulations to review. I think we should hold a public hearing in September depending on the progress we make on the regulations implemented by January 1, 2016. Framingham has a very lengthy regulation so I would like to review theirs. I will keep you up to date on the progress. Leanne asked if there is a town closer to us that have already accepted and their regulations. Cathy said Needham is in the process, Walpole and Framingham. I can forward them to you so you can compare them to the draft. Jason said Saugus has opened a dispensary and Bridgewater has as well. Cathy said they are coming and we need to have regulations in place just in case. The board members will read through the draft and start the process.

Pipline

Dr. Scott said we will open up for discussion from interested audience members and then continue the conversation. Please be sure to state your name for documentation purposes.

Meg Duncan I live on Martin Bates Street I attended the meeting two weeks ago and heard the concerns of many people and they asked the Board of Health to take action. I hear to follow-up to see if anything has been done over the past two weeks. Have you done any research or found any avenues that you can explore. My specific concern that I brought up that night was the toxic materials that are probably underneath Gonzales Field. That would be disturbed when the pipeline is dug. We know that it was used as a train station there is probably arsenic and other materials under the ground. What will happen when that is disturbed it will go into the wet-land buffer zone there the air and ground where the kids play? Cathy said she has pulled from records storage the documents and testing that was done on that

roadway. There are a couple of boxes I need to go through to see if there was testing done in that area I am not sure if it was done and what was done. I will have to go through the boxes. Leanne stated she thought there was testing done before the field was built. Dr. Scott asked who did the testing. Leanne said it was all started because of the Readville Yards and paid for by the MBTA. Hanna Heald, Dedham times mentioned if you are talking about the Readville area and all that took years and they have not finished the cleanup. Cathy said that testing was done and they roped off Readville by the part that went into Dedham. I thought on the railroad bed portions had remediation done. Leanne said that at the same time because we submitted a cease and desist order because the T was going about excavating without any testing or precaution. When the neighbors brought it to our attention we forced the cease and desist order. After that all the appropriate steps were taken. There were numerous borings and testings' were done along that whole trail. Leanne said she believed the testing was carried over to the Gonzales field. Ms. Duncan said it two weeks to find the boxes how long will it take to review the contents? Cathy said there are four boxes to go through so probably a couple of weeks. Ms. Duncan asked what would be the steps taken if there were toxic waste in the previous samples? Cathy and Leanne felt there was remediation done before it was changed into a field. The question was asked then why at the Selectmens meeting was a statement made that there was unknown hazardous waste material on that property. That was what was stated at the Selectmens meeting. Construction is to start after soccer season in the November. Dr. Scott said we would look at the data that we have. It may give us some guidance about what those materials are. I don't think we can comment about what the Board of Selectmen say at their meeting. We can try and communicate with them and get more information if they have any. I don't know if they do but it sounds like we have some data that we can look through and try to get information from. Once we have a sense of what may be there is it going to be an issue during construction; are there things that will be done to take it into account and either remediate it or control any potential exposures. My feeling is that was what was looked at the environmental impact statement. We will try to get more data about that and see if there is cause for concern beyond the general statement of "there may be toxic chemicals" we will try to figure out what that may be. Hannah Heald asked about the low level gas leaks that go into the air and what are we breathing that haven't been remediated by the companies. Dr. Scott said that is a broad question the best data we have comes from Boston where there are relatively decent studies that show leaks from the low pressure gas lines, which is not the pipelines that we are talking about in this situation, but in low pressure gas lines there is a high level of leakage that can occur.

Margaret Whitfield: Said she has sent multiple emails to all of you with lots of information. I am here for a last appeal as a neighbor and a mother of two children. Construction started today on East Street it was unbearable, it was a dust bowl. I know there is not a lot of data but there are a lot of inferences about this that it can be draws from this. This is potentially dangerous to the health and safety of residents. This company has a very poor safety record. I am under no illusions that if you did take action that it would stop this. But as a neighbor effected by this it does say the town of Dedham cares about the health and safety of my family. The Town can rally and the town hall and boards can work together to try to protect the community. This is a last appeal to do whatever you can do.

Virginia Hickey: East Street, This was presented to you two weeks ago the same information that we were pleading for help there were more people there and we were all in agreement that you needed to do something and I've asked in follow-up e-mails have you worked on a solution. You were charged by the citizens of Dedham to pass a resolution to tell spectra to stop while you research the theoretical but very real health risks that face this community. So I'm here to ask you what have you done and what are you planning to do? Dr. Scott explained the way things stand at the moment we did not actively pursue communication with counsel after the last meeting on their advice on the meeting to let the Selectmen

pursue their trial and appeal in court. And that dual action at the same time might not benefit the Selectmens appeal. Having gotten the communication through the newspaper that that appeal is no longer viable and it has been rejected. We feel we are now in a position to consider what other options from a legal stand point the Board of Health may or may not have. We have received your e-mails and retained all of them and will continue to process this information. It feels slow and frustrating, the selectmen themselves are not meeting again until August and this is the state of how things are now and we here your concerns.

Mr. Michael Cocchi: The last I heard was that there was a potential avenue to go to the Court of Appeals. Is that what you just referenced as no longer being an option? Dr. Rosenberg-Scott stated that it is the U.S. District Court. On Monday the judge said it was not the correct forum and that he did give them an opportunity for potential pursuing in a Federal Court of Appeals. I have reached out to the selectmen but have not heard from anyone yet in reply. I am curious to know what the strategy of the Town is now. What are the legal opportunities for this board the Board of Health of a community? I would implore this committee to make a public statement. If the Selectmen aren't going to meet till August maybe there needs to be an emergency meeting convened. I have some real concerns as a health care professional as well.

Dr. Scott said as an update: The permits for this project have been approved on the Town level. That is why construction is happening. It did not come before this Board we have nothing to do with that process. We were notified of this issue 2 to 3 weeks ago maybe a month ago late in the game. We had a community meeting. We are unable to comment on the legal strategy of the Board of Selectmen thus representing the Town because it is an active legal issue. We have not received communication along those lines about what the potential next step is. We do not have more information. We are trying to be in touch with the Board of Selectmen to get a sense of what can happen next. As the Board of Health is there a separate avenue to be supportive and not compete with whatever it is that they are trying to accomplish from a legal standpoint. The way things were left after our meeting was that we should allow this motion that was denied as of last week run its course before we took further steps. Now that we know what the results are we can re-evaluate are there other legal issued. We do not believe we have any standing right now if we wanted to, I am speaking for myself, if we decided to say we disagree with this and cease and desist that we have any legal standing to actually stop what is currently happened.

Leanne wanted to clarify the process of us not jumping in before the Court hearing not to just sit back and let them handle it. Any action could potentially jeopardize the slim chance the Selectmen had in court with their motion. It was not a matter of us being complacent we are trying to make sure nothing jeopardizes the chance as it turned out it was not successful. Both Sarah and I are health care professionals and we are concerned for the health and safety of this Town. We have always been pro-active and gone out on a limb and willing to take whatever chance. I can't speak for the other members only for myself. I am concerned if there are any potential risks although the data isn't there. One of the things that possibly we could do is ask a Spectra representative that is proficient in the health issues bring us your data your safety issues'. Tell us what you have done to insure safety of the project. Has anyone asked for this information? Mr. Cocchi said it is staggering to think permits were released and these other steps haven't been played out. Leanne said again unbeknownst to this Board. Mr. Cocchi felt it would be useful if the Board of Health would release a public statement endorsing the efforts of the Board of Selectmen to take this legal action. It would be powerful coming from the Board of Health.

Ms. Whitfield brought up the Town of Deerfield passing a resolution and the Town of Dedham can't.

Jason Brogan said that it is his understanding that Spectra Energy did not handle Deerfield. It was a totally different company different safety records.

Virginia Hickey voiced concerns about the dust from the construction on her street as a health issue. She also felt the Board should have already researched the health issues and be preparing a statement.

Mr. Cocchi

I also felt it should be a priority and time is critical. Hanna Heald suggested that the Board of Health have another meeting before the Board of Selectmen and have the Town Manager as well as Congressman Steve Lynch who is very active perhaps a lot of people who know pieces here know what they're doing have you as a board listen and think and decide what you should think should be for the Town of Dedham as far as its health goes. The town counsel at the last meeting didn't know very much. There are other experts that know more than that man did.

Dr. Scott said that we hear you. At this point the Board is not ready to make a large statement; we will continue to take this under advisement. I see and feel your concerns. We will seek concern of town counsel. Leanne tried to explain that just jumping on a cease and desist order would be counterproductive. We don't know if the Selectmen are moving forward with anything and doing something at our level could jeopardize something that is potentially happening perhaps it is. As a lifelong resident of Dedham I am concerned that there may be some health hazards. And we are doing our due diligence in looking at the data. These permits were granted not by us we are trying to work as a community to take care of the health and well-being of our town. We are trying to do this the right way.

Ms. Hickey was concerned and alarmed that the Board of Health did not know that this pipeline was coming through the town and why didn't you know. Meetings are posted and we can read about what is going on how is that possible. There was a meeting in June that you were invited to by Dennis Teehan. Dr. Scott said we had no communication from the Selectmen about the June meeting about the pipeline. We were not notified of that meeting nor were we notified when Spectra came to town and took comments we were not notified about the legal proceedings from the Selectmen we read about it in the paper as did you. There are clearly bigger issues with this as well. It will be part of the discussion going forward.

Dr. Michael Cocchi felt a public statement from the Board would be helpful.

Dr. Scott asked if there was any further discussion at this point. Leanne wanted to be on the record as saying as a resident of Dedham and a long standing member of the Board of Health I am concerned about the potential risks and I believe we are being responsible in finding as much data as and as much information as we can to make sure we are able to do all we can do to keep our residents safe with this project coming to town. That said should we be inviting someone from Spectra to come and talk to us. Will they come I don't know but they are the ones causing the concern come and talk to us. Ms. Hickey said that would be a waste of time they won't come. Leanne said why would it be a waste you talk about us doing our due diligence and finding whatever data and information we can who better than Spectra. Ms. Duncan said there was a meeting in Westwood two weeks ago Spectra was invited and said they would attend and about 50 people came people were going to give presentations and Spectra pulled out at the last minute. They were invited to the Selectmens meeting in June as well. Leanne felt that she should reach out to Spectra and have them come and put the residence at ease. If they are causing no harm show us your record.

Cathy will reach out and get some dates for a meeting. All the members agreed reaching out to Spectra was a good idea.

Dr. Scott said that she is open to the idea of having a public communication from the Board about our awareness and concern of the potential health risks associated with this pipeline. We are committed to the further discussion of understanding potential risks and possibilities of limiting seizing or holding construction on the pipeline while we pursue this further. I do not feel it is within our purview right now, my understanding from a legal standpoint, to order a cease and desist order. I do not feel comfortable without knowing that we have legal backing and what the ramifications of that would be we do not have that understanding at this point and I do not want the Board to be ordering things that we have absolutely no backing for. I don't think it sets an appropriate precedence for us going forward and I don't think it an appropriate use of our time. I would however be comfortable making a public statement saying that we understand the concern over potential risks and are committed to work with the Board of Selectmen and community regarding this issue and its impact.

Jason said we should draft our statement and all sign it and give it for publication.

Dr. Scott said we will reach out to the Board of Selectmen and we will go through the data we have in paper format and see if we have any information about the Gonzales Field site. And we as a Board will work on a public statement.

Directors Report:

Cathy said 7 camp inspections have been done since July 1st. Quarantines: 12, restaurant inspections:16. We have 2 pool closures for non-compliance. Every month they pools have a lab sample for bacteria and if the number are high the lab calls them and tells them what has to be done and to close their pool. We had 2 pools that chose not to close the pool and acted like they had no idea. I put them on a warning and told them if it happens again I will suspend their licenses. They were Dedham Community Pool and the other was the Residence Inn. They all have (CPO) Certified Pool Operator that are required to operate a pool in the state of Massachusetts so they are very well aware of what they need to do. The Victory bar and grille, is slated to open in the fall. Cathy said we have not heard from the Taco restaurant in the square and I have not received any plans on it. Eggs and Thia opened it is where the Court House Café was.

There have been 2 reviews of septic systems. IT software system the company doing our I-pads, I have been meeting with him to get our permitting system off of a DOS system believe it or not we still have a dos system running. We have food, pools, tanning salon and he is in the processing of putting housing and camps. We are moving along. Restaurant inspections have been done on the I-pad for two years now. The permitting/licensing is the biggest issue right now. We have e-mail addresses and fax for the establishments. The plan is to shoot them an e-mail or fax to give them their report and send them their renewal application. When the town is ready they will be able to pay on-line. The next step would be to send the permit/license electronically once it is paid for. We can print an inspection report as well. We had 4 communicable diseases. Two campylobacter, active TB and an anaplasmosis (a tice borne disease). Three complaints trash in yards.

Our new nurse is Jessica Gardner; she will be a full-time position and will also work with the drug collation as well.

With no further business to discuss Jason motioned to adjourn the meeting, Leanne seconded Dr. Scott asked all in favor aye opposed none. Meeting adjourned at 7:45 p.m.

Dr. Sarah Rosenberg-Scott, Chairperson